

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:22-MJ-3155
)	
Plaintiff,)	MAGISTRATE JUDGE
)	THOMAS M. PARKER
)	
v.)	<u>MEMORANDUM OF LAW FOR UNITED</u>
)	<u>STATES' UNOPPOSED MOTION TO</u>
CASEY ALEXANDER,)	<u>CONTINUE PRELIMINARY HEARING</u>
)	<u>AND EXTEND TIME FOR RETURNING</u>
Defendant.)	<u>INFORMATION OR INDICTMENT</u>
)	

MEMORANDUM

A. INTRODUCTION

On June 14, 2022, a criminal complaint (Case No. 1:22-MJ-3155) was filed against defendant, Casey Alexander, charging him with conspiracy to commit wire fraud in violation of Title 18, United States Code Section 1349. He appeared before this United States Magistrate Judge on June 14, 2022, after the Cleveland FBI arrested him and later obtained an arrest warrant on the complaint. At the time of his initial appearance, the Court released Alexander on bond. Alexander requested a preliminary hearing, and the Court scheduled the preliminary hearing for July 11, 2022. Upon unopposed motion of the government (ECF No. 10), the Court continued the preliminary hearing and extending the time to return an information or an indictment to August 12, 2022. See Order, July 8, 2022. On August 8, 2022, the government filed an unopposed motion for a protective order for discovery (ECF No. 12) that the Court granted on August 11. See Order, ECF No. 13. On August 15 and 18, 2022, the government filed an unopposed motion and a supplement to continue the preliminary hearing and extend the time to return an information or an indictment that the Court granted. See Order, August 18, 2022.

Since August 18, 2022, Assistant United States Attorney Brian McDonough met and spoke with John J. Spellacy, counsel for Defendant to discuss the preliminary hearing scheduled for September 23, 2022, and extending the time for filing an information or indictment through approximately December 1, 2022 to allow the parties additional time to produce, review, and discuss the discovery and the case. Attorney Spellacy had no objection to the government's request. AUSA McDonough, Attorney Spellacy, and Defendant executed a Waiver of Time to Indict. See attached Waiver of Time to Indict.

B. LEGAL REQUIREMENT

Title 18, United States Code, Section 3161 provides that an “information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.” 18 U.S.C. § 3161(b).

A limited extension of the time for filing an information or indictment would serve the ends of justice by affording the parties a meaningful opportunity to afford Alexander the time to review material, and for the United States to explore charging by information or indictment. The parties will use the proposed extension of time to ascertain all the relevant facts and applicable law, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d Cir. 1994) (approving “ends of justice” continuance to allow negotiations to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If grand jury presentment proves necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges.

C. CONCLUSION

For all of the foregoing reasons, the United States, under 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to continue the preliminary hearing scheduled for September 23, 2022; to extend the time for filing an information or indictment to December 1, 2022; and to enter a finding under that section that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

MICHELLE M. BAEPPLE
First Assistant United States Attorney

By: /s/ Brian McDonough
Brian McDonough (OH: 0072954)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3965
(216) 522-2403 (facsimile)
Brian.McDonough@usdoj.gov